

Message

From: Fregault, Garrett (BRI) [/O=COMMONWEALTH OF MASSACHUSETTS/OU=MASSMAIL-01/CN=RECIPIENTS/CN=GRFREGAULT]
Sent: 8/21/2012 5:12:41 PM
To: O'Brien, Elisabeth (DPH) [/O=COMMONWEALTH OF MASSACHUSETTS/OU=MassMail-01/cn=Recipients/cn=Elisabeth.O'Brien]
CC: Salemi, Charles (DPH) [/O=COMMONWEALTH OF MASSACHUSETTS/OU=MassMail-01/cn=Recipients/cn=Charles.Salemi]; Gagnon, Kenneth (POL) [/O=COMMONWEALTH OF MASSACHUSETTS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=Kenneth.gagnon090]; Corbett, Kate (DPH) [/O=COMMONWEALTH OF MASSACHUSETTS/OU=MassMail-01/cn=Recipients/cn=Kate.Corbett]
Subject: RE: Re-testing of Drug Certs [REDACTED]

The reason the defense attorney is looking for a purity test is because the Defendant claims that the police planted/tampered with the drugs in this case. The defense attorney speculates that if the purity between the bags is different, then that will bolster his defense that the police tampered with the drugs. The purity test has nothing to do with the reasons for the retesting.

Please let me know if a purity test can be done. If it can not be done, then I will let the defense attorney know. I suspect that he will seek a court order to obtain the purity test and/or seek a purity test from an outside lab. I would really hate to see an outside lab do the testing. If you are able to queue up the drugs for a purity test, I understand that the priority of conducting that test will not be the highest, so kindly let me know a ballpark date on when it would be completed.

Kindly let me know what the lab's final position is with the purity test. I will have to let the defense attorney know so that we can figure out the next step from there.

Again, I really appreciate all of the courtesy that you have extended me with these drug cases.

Sincerely,

Garrett

From: O'Brien, Elisabeth (DPH)
Sent: Tuesday, August 21, 2012 12:48 PM
To: Fregault, Garrett (BRI)
Cc: Salemi, Charles (DPH); Gagnon, Kenneth (POL); Corbett, Kate (DPH)
Subject: RE: Re-testing of Drug Certs [REDACTED]

Garrett,

I have conferred with the lab supervisors regarding your inquiry. Quantitative determinations (purity test) are not routinely done at the JP Drug lab. A quantitative determination was not done when the sample was first tested in the JP drug lab. We would have no basis for comparing the results of quantitative testing with the previous testing. What would be gained from conducting a purity test at this time? Additionally, the retesting has already been completed by Kate Corbett.

Unfortunately, given our backlog situation, conducting a purity test would not be given top priority at this time. I am including lab supervisors, Ken Gagnon and Charles Salemi on this email if you have any further questions.

Please let me know if I can help you further.

Elisabeth

From: Fregault, Garrett (BRI)
Sent: Monday, August 20, 2012 3:14 PM
To: O'Brien, Elisabeth (DPH)
Subject: Re-testing of Drug Certs [REDACTED]

Elisabeth,

Thank you for all of the courtesy you have given me with having drugs retested. I have another case in which I am requesting a re-test of drugs. The Taunton PD brought the drugs up on 08/13. The defense attorney has requested that the Lab conduct a purity test. Would you please let me know if that is possible? If not, the defense attorney will ask the court for an order to conduct the test and/or ask for an outside lab to conduct a purity test. I would much prefer your lab to do the testing if possible.

Kindly let me know your position on this request. The case is currently scheduled for trial on 9/24. We have a final court date on 09/13.

Thanks,

Garrett

ADA Garrett R. Fregault
Bristol District Attorney's Office
Fall River Justice Center
186 South Main Street
Fall River, MA 02720
Phone: (774) 627-1600 ext. 1605
Fax: (774) 888-6032
[REDACTED]

From: Treacy Dora [<mailto:dtreacy@tauntonpd.com>]
Sent: Tuesday, August 14, 2012 10:23 AM
To: Fregault, Garrett (BRI)
Subject: RE: Drug Certs

Drugs went to lab on Aug. 13.....

Dora

From: Fregault, Garrett R (DAA) [mailto:garrett.r.fregault@state.ma.us]
Sent: Friday, August 03, 2012 12:23 PM
To: Treacy Dora
Subject: Drug Certs

Dora,

Would you do me a favor and check on a cert for me? The Case is [REDACTED] and the cert is [REDACTED] I think that I might have requested to have this sent back up to the lab for re-analysis. Can you check to see if that has been done? If so, would you please send me the new cert? If the drugs have not been sent back up for re-analysis, would you please take these up as soon as possible?

Thanks,

Garrett

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[REDACTED]

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